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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,752	10/30/2003	Lawrence D. Bergman	YOR920030395US1	8753
7590 Robert W. Griffith Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11560		10/16/2007	EXAMINER DAO, THUY CHAN	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,752	BERGMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thuy Dao	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 31 July 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 29-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-28 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 29-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is responsive to the amendment filed on July 09, 2007 and the supplemental amendment filed July 31, 2007.
2. Claims 29-36 have been examined.

**Response to Amendments**

3. Per Applicants' request, claims 29 and 36 have been amended and claims 1-28 have been canceled.

**Response to Arguments**

4. The Applicants are thanked for a thorough reply. Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

**Specification**

5. The use of the trademarks (e.g., GOOGLE.TM., JAVASCRIPT.TM., WINDOWS.TM., ...) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

6. The specification is objected to because of minor informalities. Acronyms should be spelled out at the first appearance in the specification (e.g., page 12, "HTTP/S").

**Claim Objections**

7. Claim 29 is objected to because of minor informalities. The phrase in line 6 is considered to read as - -...install the [[new]] user-interface control relating to the procedure description ...-- as similarly recited in claim 36.

Appropriate correction is required.

### **Claim Rejections – 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 29-36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication No. 2003/0023952 A1 to Harmon (art made of record, hereinafter “Harmon”).

#### **Claim 29:**

Harmon discloses *an apparatus for customizing a user-interface control of an existing application comprising:*

*a memory; and at least one processor (e.g., FIG. 4, [0044-0051]), coupled to the memory operative to:*

*(i) record a procedure description comprising a series of actions performed by a user in the application user-interface (e.g., FIG. 1, [0034-0035]; [0045]; FIG. 2, [0036-0039]); and*

*(ii) install the new user-interface control relating to the procedure description in the existing application for execution of the procedure description (e.g., FIG. 3-4, [0040-0043]) and*

*generation of the series of actions when the user-interface control is activated (e.g., FIG. 5, [0052-0056]).*

#### **Claim 30:**

The rejection of claim 29 is incorporated. Harmon also discloses *the operation of recording a procedure description performed by a user in the application user-interface comprises the steps of: transmitting at least one request for application user-interface structure information from a procedure capturer to an operating system (e.g., [0044-0051]); and*

*receiving the application user-interface structure information from the operating system at the procedure capturer (e.g., [0036-0039]).*

**Claim 31:**

The rejection of claim 29 is incorporated. Harmon also discloses *the operation of recording a procedure description performed by the user in the application user-interface comprises the step of registering the procedure capturer with the operating system to receive notification of user actions and system actions (e.g., [0034-0035]).*

**Claim 32:**

The rejection of claim 29 is incorporated. Harmon also discloses *the operation of recording a procedure description performed by the user in the application user-interface comprises the steps of: receiving notification of user action within the application interface at the procedure capturer; determining a result activated by user action at the procedure capturer; mapping the activated control into a generic description at the procedure capturer (e.g., [0052-0056]);*

*adding the generic description to a procedure representation at the procedure capturer; determining if there are more user actions; and storing the procedure representation in the procedure capturer if there are no more user actions (e.g., [0040-0043]).*

**Claim 33:**

The rejection of claim 29 is incorporated. Harmon also discloses *the operation of installing the control relating to the procedure description in the existing application*

*comprises the steps of: sending a request to an operating system from a control installer to install the control (e.g., [0045-0047]);*

*creating and installing the control in the application user-interface through the operating system; and registering a callback at the operating system using a location supplied by the control installer (e.g., [0044-0051]).*

**Claim 34:**

The rejection of claim 29 is incorporated. Harmon also discloses *the at least one processor is further operative to execute an installed control* (e.g., [0049-0051]).

**Claim 35:**

The rejection of claim 29 is incorporated. Harmon also discloses *the operation of installing the user- interface control comprises the step of altering the appearance of at least one existing user interface control* (e.g., [0044-49]).

**Claim 36:**

Claim 36 is an article of manufacture version, which recites the same limitations as those of claim 29, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 36.

10. Claims 29 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication No. 2004/0130572 A1 to Bala (art made of record, hereinafter "Bala").

**Claim 29:**

Harmon discloses *an apparatus for customizing a user-interface control of an existing application comprising:*

*a memory; and at least one processor (e.g., FIG. 1, [0039-0049]), coupled to the memory operative to:*

*(i) record a procedure description comprising a series of actions performed by a user in the application user-interface (e.g., FIG. 6, [0074-0079]; FIG. 2, [0050-0052]); and*

*(ii) install the new user-interface control relating to the procedure description in the existing application for execution of the procedure description (e.g., FIG. 5A-J, [0059-0073]) and*

*generation of the series of actions when the user-interface control is activated (e.g., FIG. 4, [0056-0058]).*

**Claim 36:**

Claim 36 is an article of manufacture version, which recites the same limitations as those of claim 29, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 36.

**Conclusion**

11. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao



TUAN DAM  
SUPERVISORY PATENT EXAMINER